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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,408	10/19/2000	Alan C. Atwood	34828.006	8501

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Intellectual Property Department
Dewit Ross & Stevens PC
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EXAMINER

GOODMAN, CHARLES

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,408

Applicant(s)

ATWOOD, ALAN C.

Examiner

Charles Goodman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

- i. P. 6, l. 23, the phrase "cut is" should read -- cut --.
- ii. P. 8, l. 11, "mount 32" should read -- mount 44 --.
- iii. P. 10, ll. 2-3, the phrase "front plate 52" is not clearly understood.

Reference "52" was previously used to designate a recess. Thus, which is which?

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite language and lack of antecedent basis for claimed features. The following are only some noted examples. Failure to comply with the above statute guarantees FINALITY of the next Office Action.

- i. The following phrases lack clear antecedent basis: (claims 1, 7, 13) "the plane"; (claim 15) "the window blind"; (claim 16) "the table".

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- ii. Claim 1 is vague and indefinite in that it is not clear what the claim encompasses. The claim is incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted essential element is the cutter or some cutting means especially since the claim purports to be an "apparatus for *cutting* an item". The same applies to the rest of the claims.
- iii. Claim 4 is vague and indefinite in that it is not clear what the claim encompasses. While it is acknowledged that the "clamp" is rotatable, it is not the clamp that rotates the item but rather the user since the disclosed invention is manipulated by hand. The same applies to the rest of the claims. Moreover, the phrases "a first end" and "a second end" are vague and indefinite in that they appear to be double inclusions of the same previously recited. Substantially the same applies to other similar claims.
- iv. In claim 10, the phrase "a window blind" is vague and indefinite in that it appears to be a double inclusion of the same previously recited.
- v. Claim 14 is vague and indefinite in that it is not clear what the claim encompasses. The "combination" does not result in a clamp to which the claim is supposed to be directed toward. Thus, what is the scope of the claim? Substantially the same applies to claims 16-17.
- vi. Claim 17 is vague and indefinite in that it is not clear what the claim encompasses. These features are double inclusions of the same previously recited. Moreover, how is a "cutter" part of the clamp of claim 13?

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- vii. Similar problems noted above exist in claims 18-22.


Conclusion


4. Due to the numerous indefiniteness issues above, it is not clear what is being claimed with respect to the disclosed invention. Thus, a fair search for the same cannot be made at this time. Applicant is advised to review the application to obviate the above matters. The next Office Action will NOT be made FINAL.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (703) 308-0501. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (703) 308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.


Charles Goodman
Primary Examiner
AU 3724

cg 
July 14, 2002

CHARLES GOODMAN
PRIMARY EXAMINER